

REMARKS

Claims 1 – 25 have been examined. Claims 1 – 7, 9, 14 – 23, and 25 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 6,609,113 (“O’Leary”); and Claims 8, 10 – 13, and 24 stand rejected under 35 U.S.C. §103(a) as unpatentable over O’Leary in view of U.S. Pat. Publ. No. 2002/0054003 (“Chien”). The rejections are respectfully traversed.

Independent Claim 1 recites “receiving, with a payment network, a first information packet from the Internet merchant, the first information packet comprising a credential assigned to the customer and transaction information specifying at least a cost of the Internet-based financial transaction.” This limitation is neither taught nor suggested by O’Leary. While O’Leary is also concerned generally with purchasing over the Internet, it teaches a different way of doing so than is claimed.

In particular, O’Leary makes a distinction between traditional “pull” models of making payment, in which a “seller ‘pulls’ the payment from the buyer’s account using a debit instruction” (O’Leary, Col. 8, ll. 55 – 56), and “push” models of its invention, in which a “buyer ‘pushes’ an EFT credit to the seller’s account” (*id.*, Col. 8, ll. 57 – 58). That is, the system described by O’Leary very specifically requires that information identifying the buyer’s account be received by the Payment Portal Processor (“PPP”) *from the buyer and not* from the seller. This is noted in the description that O’Leary provides of how the PPP receives a userID and password that identify the buyer (*id.*, Col. 15, ll. 33 – 45) and is central to the “new paradigm” (*id.*, Col. 4, l. 38) described by O’Leary. When the merchant transmits transaction-related information, as noted in ¶3 of the Office Action, this does not include “a credential assigned to the customer” from which account information may be determined as required by Claim 1; information that is used to identify account information is instead received directly from the buyer as part of the “push” model, and not from the seller as would be characteristic of a “pull” model.

While not directly relevant to a §102 analysis, it is noted that the language throughout O'Leary emphasizing the advantages of a "push" model over a "pull" model very clearly teaches away from use of a "pull" model, an improved variation of which is disclosed and claimed in the application.

For these reasons, independent Claim 1 is not anticipated by O'Leary. Independent Claim 14 includes a corresponding limitation and is therefore also not anticipated.

Independent Claim 10 uses somewhat different language and requires receipt by the payment network of "a first information packet" that comprises both "an electronic file having encrypted content," which when decrypted "identifies a financial account maintained by the customer," and "transaction information." O'Leary teaches separate receipt of these two components, one from the customer and one from the merchant, and fails to teach receipt of "a first information packet" that includes both. This deficiency is not remedied by the additional citation of Chien, which is relied on only for its disclosure of loyalty functions. For at least this reason, independent Claim 10 is patentable over the cited art.

Each of the independent claims is thus believed to be patentable and the dependent claims are believed to be patentable by virtue of their dependence from patentable claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Application No. 10/825,971
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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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